



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Improvement Agreement Addendum and Acceptance of Improvements in Lodi West, Unit No. 2, Tract No. 2658

MEETING DATE: January 15, 1997

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve the Improvement Agreement Addendum and direct the City Manager and City Clerk to sign the Addendum on behalf of the City; and that the City Council adopt the attached resolution accepting the development improvements for Lodi West, Unit No. 2, Tract No. 2658.

BACKGROUND INFORMATION: Under the terms of the Improvement Agreement dated July 22, 1994, for Lodi West, Unit No. 2, in addition to the standard items, the developer agreed to provide engineered plans and install an off-site public water main south and east of the Lodi West, Unit No. 2 development in the future alignments of Elderica Way and Paradise Drive to Lower Sacramento Road if projects which include this construction are not under construction or bonded prior to acceptance of Lodi West, Unit No. 2. This provision was necessary in order to provide adequate fire flows for the Unit No. 2 development.

The developer has requested that the public improvements for Lodi West, Unit No. 2 be accepted prior to the installation of the off-site water main and has signed an Addendum to the Improvement Agreement which sets forth the conditions under which the improvements can be accepted prior to installation of the water main. Among those conditions is a provision that no building permits for lots in the Lodi West, Unit No. 2 development shall be issued until the off-site water main is installed and accepted by the City to ensure adequate fire protection for structures within the development. The developer has also paid the necessary engineering plan check, inspection and document preparation fees associated with the off-site water main installation. Staff recommends Council approve the Addendum to the Improvement Agreement and allow the acceptance of the public improvements for Lodi West, Unit No. 2 prior to installation of the off-site water main.

The balance of the improvements at Lodi West, Unit No. 2, Tract No. 2658, have been completed in substantial conformance with the requirements of the Improvement Agreement between the City of Lodi and Robert Batch, as approved by the City Council on July 6, 1994, and as shown on Drawings No. 94D030 through 94D033.

APPROVED: _____

Randall A. Hays for

H. Dixon Lynn -- City Manager

Improvement Agreement Addendum and Acceptance of Improvements in Lodi West,
Unit No. 2, Tract No. 2658
January 15, 1997
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The streets to be accepted are as follows:

Streets	Length in Miles
Douglas Fir Drive	0.12
Elderica Way	0.06
Knobcone Lane	0.02
Total New Miles of City Streets	0.20

FUNDING: Not applicable.



Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer - Development Services

JLR/SAW/lm

attachment

cc: City Attorney
Associate Civil Engineer - Development Services
Associate Traffic Engineer
Street Superintendent
Robert Batch
Baumbach-Piazza
Farmers & Merchants Bank

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 97-06

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE IMPROVEMENT AGREEMENT ADDENDUM AND
ACCEPTING THE DEVELOPMENT IMPROVEMENTS INCLUDED
IN THE IMPROVEMENT AGREEMENT FOR LODI WEST,
UNIT NO. 2, TRACT NO. 2658

WHEREAS, under the terms of the Improvement Agreement dated July 22, 1994, for Lodi West, Unit No. 2, in addition to the standard items, the developer agreed to provide engineered plans and install an off-site public water main south and east of the Lodi West, Unit No. 2 development in the future alignments of Elderica Way and Paradise Drive to Lower Sacramento Road if projects which include this construction are not under construction or bonded prior to acceptance of Lodi West, Unit No. 2. This provision was necessary in order to provide adequate fire flows for the Unit No. 2 development; and

WHEREAS, the developer has requested that the public improvements for Lodi West, Unit No. 2 be accepted prior to the installation of the off-site water main and has signed an Addendum to the Improvement Agreement which sets forth the conditions under which the improvements can be accepted prior to installation of the water main; and

WHEREAS, among those conditions is a provision that no building permits for lots in the Lodi West, Unit No. 2 development shall be issued until the off-site water main is installed and accepted by the City to ensure adequate fire protection for structures within the development; and

WHEREAS, the developer has paid the necessary engineering plan check, inspection and document preparation fees associated with the off-site water main installation; and

WHEREAS, staff recommends that Council approve the Addendum to the Improvement Agreement and allow acceptance of the public improvements for Lodi West, Unit No. 2 prior to installation of the off-site water main.

The City Council of the City of Lodi finds:

1. That the Addendum to the Improvement Agreement is hereby approved and further authorizes the City Manager and City Clerk to execute said Addendum; and

2. That all requirements of the Improvement Agreement between the City of Lodi and Robert Batch, for the improvements for Lodi West, Unit No. 2, Tract No. 2658, have been substantially complied with. The improvements are shown on Drawings Nos. 94D030 through 94D033 on file in the Public Works Department, and as specifically set forth in the plans and specifications approved by the City Council on July 6, 1994.

3. The streets to be accepted are as follows:

<u>Streets</u>	<u>Length in Miles</u>
Douglas Fir Drive	0.12
Elderica Way	0.06
Knobcone Lane	0.02
Total New Miles of City Streets	0.20

Dated: January 15, 1997

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I hereby certify that Resolution No. 97-06 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 15, 1997 by the following vote:

AYES: COUNCIL MEMBERS - Land, Mann, Sieglock, Warner
and Pennino (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


JENNIFER M. PERRIN
City Clerk

CITY COUNCIL

PHILLIP A. PENNINO, Mayor

JACK A. SIEGLOCK

Mayor Pro Tempore

KEITH LAND

STEPHEN J. MANN

DAVID P. WARNER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 333-6706

FAX (209) 333-6710

H. DIXON FLYNN

City Manager

JENNIFER M. PERRIN

City Clerk

RANDALL A. HAYS

City Attorney

January 22, 1997

Mr. Robert Batch
2615 Parkwest Dr.
Lodi, CA 95242

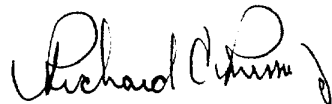
SUBJECT: Lodi West, Unit No. 2, Tract No. 2658

The City Council of the City of Lodi, at its meeting on Wednesday, January 15, 1997, accepted the public improvements that were made in the subject project and approved an agreement addendum covering the installation of the off-site water main which is necessary to provide adequate fire protection for the Unit No. 2 development.

Enclosed for your files is a copy of the resolution approving the agreement addendum and accepting the public improvements. From the date of the resolution, the City of Lodi will maintain the street and other public improvements installed within rights-of-way and public utility easements as shown on the approved plans.

The enclosed letter has been sent to your bank so the Instrument of Credit covering faithful performance can be reduced to \$56,400. The Instrument of Credit covering labor and materials must remain in effect for a period of ninety days from the date of the resolution, in conformance with State law. On April 15, 1997, this instrument can be reduced to \$28,200 if no claims have been filed. The reduced Instruments of Credit must remain in effect until the water main is accepted by the City.

If you have any questions, please contact me.



Richard C. Prima, Jr.
City Engineer

RCP/SB/lm

Enclosures

cc: Electric Utility Department
Water/Wastewater Division
Street Division
City Clerk
Farmers & Merchants Bank

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
KEITH LAND
STEPHEN J. MANN
DAVID P. WARNER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

January 22, 1997

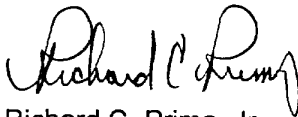
Farmers & Merchants Bank
P. O. Box 380
Lodi, CA 95241-0380

SUBJECT: Lodi West, Unit No. 2, Tract No. 2658

The City Council of the City of Lodi, at its meeting on January 15, 1997, accepted the public improvements in the subject project and approved an agreement addendum covering the installation of the off-site water main which is necessary to provide adequate fire protection for the Unit No. 2 development. A copy of the resolution is enclosed for your files.

This letter is your authorization to reduce the amount of the Instrument of Credit covering faithful performance to \$56,400 to guarantee installation of the water main. The Instrument of Credit covering labor and materials must remain in effect until April 15, 1997, in conformance with State law, at which time it can be reduced to \$28,200. These reduced Instruments of Credit must remain in effect until the water main is accepted by the City. You will be notified when the work is accepted.

If you have any questions, please contact me.



Richard C. Prima, Jr.
City Engineer

RCP/SB/lm

Enclosures

cc: Robert Batch
City Clerk